

STANISLAUS COUNTY PLANNING COMMISSION

April 20, 2017

STAFF REPORT

**USE PERMIT APPLICATION NO. PLN2016-0125
EL PARAISO NIGHTCLUB**

REQUEST: REQUEST TO ALLOW THE OPERATION OF A DANCE HALL/NIGHT CLUB ON A 1.26 ACRE SITE, IMPROVED WITH AN EXISTING 5,800 SQUARE-FOOT BUILDING AND PAVED PARKING LOT.

APPLICATION INFORMATION

Applicant/Property owner:	Juvenal and Maria Alvarado Family Trust
Agent:	Ron West, Ron West & Associates
Location:	1550 Crows Landing Road, southeast corner of Crows Landing and Olivero Roads, within the City of Modesto's LAFCO-adopted Sphere of Influence.
Section, Township, Range:	9-4-9
Supervisory District:	Five (Supervisor DeMartini)
Assessor's Parcel:	086-010-034 and 086-010-035
Referrals:	See Exhibit G Environmental Review Referrals
Area of Parcel(s):	.77 and .49 acres (1.26 acres combined)
Water Supply:	City of Modesto Water
Sewage Disposal:	Private septic system
Existing Zoning:	C-2 (General Commercial)
General Plan Designation:	COM (Commercial)
Sphere of Influence:	City of Modesto
Community Plan Designation:	N/A
Williamson Act Contract No.:	N/A
Environmental Review:	Exempt
Present Land Use:	Improved with a 5,800 square-foot building and paved parking lot utilized for an existing nightclub; and, 3 taco truck vendors, with associated shaded seating areas.
Surrounding Land Use:	Commercial to the north, west, and south; City of Modesto to the south; Low Density Rural-Residential to the east; and High-Density Residential to the northeast.

RECOMMENDATION

Staff recommends the Planning Commission approve this request based on the discussion below and on the whole of the record provided to the County. If the Planning Commission decides to approve the project, Exhibit A provides an overview of all of the findings required for project approval, which includes use permit findings.

PROJECT DESCRIPTION

This is a request to allow the operation of a dance hall/night club within an existing 5,800 square-foot building, located at 1550 Crows Landing Road. There is also a 375 square foot enclosed patio area where patrons can go outside the nightclub without allowing access to the parking lot. The dance hall/night club will operate Friday through Sunday, 5:00 p.m. to 2:00 a.m., with a soft close starting at 1:30 a.m. Music will include a combination of live bands and DJs. Average attendance is anticipated to vary; averaging 150+/- on Fridays evenings, 200+/- on Saturday evenings and 100+/- on Sunday evenings. Four to five employees are on-site during a maximum shift, plus two to three licensed security guards on duty (at the door, inside, and patrolling the parking lot). Deliveries to the operation will include one (1) delivery truck twice weekly. Services include public water and private septic system/leach field.

Parking

The County's parking standard for churches, lodges and places of public assembly require one space for every three fixed seats, or for every three persons allowed under the maximum capacity established by the fire warden where there are no fixed seats, in the main place of assembly. The County's standard for restaurants and bars is one space for every four seats or four persons allowed under the maximum capacity established by the fire warden where the seating capacity is not fixed. The maximum capacity of the existing building is 296, which would require 97 parking spaces under the public assembly standard, or 74 spaces under the restaurant and bar standard. Since the project site is located within the City of Modesto's Sphere of Influence, the project shall comply with the City of Modesto's parking standards at a ratio of one parking space per 50 square feet of floor area used for dancing, assembly, dining and bar area. The existing building is 5,800 square feet, which would total 116 required parking spaces. Not including the space occupied by the three taco trucks on the project site, the parking lot includes a total of 116 parking spaces, including four handicapped spaces, which exceeds the County's parking requirements and meets the City of Modesto's parking requirement. The south and east sides of the parking lot are fenced with chain link and slats. Chains are used to close off the driveways on a portion of the parking lot along the road frontages.

Because the existing on-site parking is located on two legal parcels, the City of Modesto has requested that the parcels either be merged or that an irrevocable reciprocal parking agreement is recorded to secure the required parking for the nightclub. This requirement has been applied to the project as a condition of approval. (See Exhibit C - *Conditions of Approval - No. 26.*)

Security Plan

The Sheriff's Department has approved a Security Plan for the existing operation (see Exhibit D – *Security Plan*). A condition of approval has been incorporated into this project which requires that the club operate at all times in compliance with this approved Security Plan. If at any time the Security Plan is determined to be insufficient by the Sheriff's Department, operations shall cease, and the Security Plan shall be amended as requested by the Sheriff's Department. Operations may continue once the Sheriff's Department has approved the revised Security Plan and all requested changes have been implemented. (See Exhibit C - *Conditions of Approval - No. 16.*)

The applicant is proposing to close the nightclub at 2:00 a.m. Friday through Sunday, with a soft close beginning at 1:30 a.m. The Sheriff approved Security Plan requires that the taco trucks located on the site, close at 1:00 a.m. and that the nightclub starts to clear out at 1:30 a.m. The Security Plan requires three security guards to be present on Fridays and Saturdays and two

security guards on Sundays. However, if Monday is a holiday, Sunday shall also have three security guards. When the nightclub closes, security is required to sweep the parking lot and make sure all cars and people have left the parking lot. The parking lot entrances are required to be locked after closing so cars can no longer access it. Security is also required to conduct physical searches of patrons entering the nightclub to prevent any weapons from coming into the business. Proper lighting in the parking lot and entrance are also required. No alcoholic beverages are allowed to leave the business and are prohibited in the parking lot and in and around the food vendors. Security is required to monitor the parking lot at all times of operation.

Noise/Operating Hours

The nightclub is required to meet Stanislaus County's standards for noise set forth in the County Noise Element of the General Plan and Chapter 10.46 Noise Control, of the Stanislaus County Code. If noise complaints are received, additional measures, including a Noise Analysis conducted by a Noise Consultant, shall be implemented. Standards to address noise and hours of operation are incorporated into the project as conditions of approval. (See Exhibit C - *Conditions of Approval - No. 10, 11, & 12.*)

SITE DESCRIPTION

The site is located at 1550 Crows Landing Road, southeast corner of Crows Landing and Olivero Roads, within the City of Modesto's LAFCO-adopted Sphere of Influence. The project site is comprised of two adjoining parcels: 1) 086-010-034 is .77 acres in size, and is improved with a 5,800 square-foot building and paved parking lot; and 2) 086-010-035 is .49 acres in size and is improved with a paved parking lot and three taco truck vendors, with associated shaded seating areas.

The project site is located in an unincorporated pocket of the City of Modesto. The City's limits are located just south and west of the project site. Existing commercial development is located to the north, west, and south of the project site. A City of Modesto well site is located immediately north of the nightclub. Low density Rural-Residential properties are located to the east and High-Density Residential properties are located northeast of the project site.

ISSUES

A Permit to Conduct a Public Dance Hall is an annual permit, which is required in addition to a Business License, and is reviewed annually by the Sheriff's Department before being renewed. The existing dance hall/night club business was originally approved for a Business License by the Planning Department as a bar in 1993. The Treasurer-Tax Collector's Department then renewed the Business License every three years, to current, as is the standard protocol with Business Licenses. However, over time use of the site had transformed from a bar into a nightclub, which although a permitted use in the C-2 (General Commercial) zoning district, requires a Use Permit due to its proximity to residential uses. In 2014, El Paraiso attempted to renew their Dance Hall Permit, but was denied due to the Sheriff's Department receipt of numerous complaints which had occurred near or at the nightclub. El Paraiso then appealed the Treasurer-Tax collector's denial and the Board of Supervisor's held a public hearing on October 25, 2016, to consider an appeal (see Exhibit E). The Board of Supervisor's granted the appeal and issued a six month Dance Hall Permit to El Paraiso effective upon Sheriff's Office approval of a Security Plan, operating conditions and submittal of a Use Permit application to the Planning and Community Development Department. The Sheriff has signed off on the Security Plan, and the Use Permit Application was submitted, and as such the Treasurer-Tax Collector's Department re-issued a temporary six-month dance hall

permit to the nightclub. If this Use Permit is approved, the dance hall permit will be extended for another six months until the annual renewal period occurs, after which a renewal dance hall permit application shall be required.

The taco trucks located on the project site are required to comply with Chapter 6.68 of the Stanislaus County Code. This includes but is not limited to, a requirement to be located at least thirty-five feet back from the paved edge of any roadway, to not be operated within the clear vision triangle area of any intersection, to not occupy any required parking space for on-site development, or to have any permanent structures on-site. A permanent structure is considered to be any structure over 120 square feet in size, which would require a building permit in accordance with Title 24 of the Building Code. Several of the shade structures/seating areas currently on site exceed the 120 square foot limit and are not located outside of the required setback. These structures must be removed within six months of project approval, as required by a condition of approval applied to the project. (See Exhibit C - *Conditions of Approval - No. 14.*)

No additional issues were identified as a part of this request. Standard conditions of approval have been added to the project. (See Exhibit C – *Conditions of Approval.*)

GENERAL PLAN CONSISTENCY

Consistency with the goals, objectives, and policies of the various elements of the General Plan must be evaluated when processing all discretionary project requests. The site is currently designated “Commercial” in the Stanislaus County General Plan. Goal Two and Three of the Land Use Element of the Stanislaus County General Plan aim to ensure compatibility between land uses, including outdoor lighting; and, to promote diversification and growth of the local economy by accommodating the siting of industries with unique requirements, as described in the Land Use Designations section of the Land Use Element.

The Land Use Designations of the Land Use Element describes that the Commercial designation is used for areas best suited for various forms of light to heavy commercial uses, including retail, service, and wholesaling operations, which demonstrate a valid supportive relationship to other existing or projected urban development. The County’s C-1 (Neighborhood Commercial), C-2 (General Commercial), H-I (Highway Frontage Commercial), SCP-C-1 (Salida Community Plan, Neighborhood Commercial) and SCP-C-2 (Salida Community Plan, General Commercial), and sometimes PD (Planned Development) zoning are all considered to be consistent with the commercial designation.

Goal Five, Policy Twenty-Six and the Spheres of Influence (SOI) section of the Land Use Element of the Stanislaus County General Plan requires development, other than agricultural uses and churches, which requires discretionary approval and is located within a city’s sphere of influence of cities, to be approved only when the city determines it to be compatible with their general plan. Further the policy states that, “Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration.” The project is in Modesto’s SOI, and as such, was referred to the City of Modesto for comment. A referral response from the City of Modesto indicated that the proposed use is consistent with the City’s General Plan designation of Commercial. Additionally, the response requested that any new construction comply with all City standards and that a lot merger or recorded reciprocal parking agreement be completed to ensure continued adequate parking.

The Noise Element of the General Plan identifies a conditionally acceptable maximum of 70 Ldn or CNEL, dBA for Auditoriums, Concert Halls, and Amphitheaters, and acceptable levels up to 70 Ldn

or CNEL, dBA, for Office Buildings, Business Commercial, and Professional uses. The maximum allowable noise exposure for stationary noise sources during the day (7 a.m. to 10 p.m.) is 75 dBA. This project must comply with both the Noise Element and Chapter 10.46 Noise Control Ordinance of the Stanislaus County Code, as discussed further in the following section of this Staff Report.

Staff believes the project is consistent with the County's General Plan. The operation has been operating out of the site since 1993, and is surrounded by mostly commercial uses. The operation is subject to the Stanislaus County Noise Element and must adhere to a Sheriff approved Security Plan. Any additional lighting must be aimed down to prevent any light glaring or spilling onto neighboring properties. All of these requirements will be reflected within conditions of approval applied to this project. With these conditions in place, Staff believes this project will be in conformance with the requirements set forth in the General Plan.

ZONING ORDINANCE & COUNTY CODE CONSISTENCY

The site is zoned C-2 (General Commercial) which is consistent with the County General Plan land use classification of Commercial. Dance halls are a permitted use in the C-2 (General Commercial) zoning district; however, when located within 200 feet of the boundary of any R (residential) district, a Use Permit shall first be secured. El Paraiso is located adjacent to an R-A (Rural Residential) zoning district to the east; therefore a Use Permit must be obtained prior to continued operations.

A Use Permit may be allowed when the Planning Commission makes the following finding:

- The establishment, maintenance and operation of the proposed use or building applied for is consistent with the General Plan and will not, under the circumstances of the particular case, be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the use, and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The operation must maintain a Business License and Permit to Conduct a Public Dance Hall in conformance with Title 6 of the County Code, specifically Chapter 6.04 and 6.44. The nightclub currently has both required permits active.

As discussed above all taco trucks/mobile food vendors located on the project site shall comply with Chapter 6.68 of the Stanislaus County Code. As reflected in the conditions of approval for this project, the mobile food vendors existing on the site are required to come into compliance with this code within six months of project approval.

This nightclub must comply with both the Noise Element and Chapter 10.46 Noise Control Ordinance of the Stanislaus County Code. A condition of approval has been applied to the project which requires that in the event that documented noise complaints are received regarding amplified noise activities, all amplified sound activities shall cease, and sound controls shall be developed by a noise consultant. Implementation of additional sound controls shall be implemented and verified prior to the continuation of amplified noise activities.

Staff believes the project is consistent with the County's Title 21 Zoning Ordinance and other applicable Titles of the County code. As stated above, the operation is an existing use which has been operating out of the site since 1993, and is surrounded by mostly commercial uses. The nearest residence to the project site exists approximately 135 feet northeast of the nightclub. However, with conditions of approval in place, addressing noise, parking, lighting, hours of operations, and security, staff believes that the nightclub will continue to operate in a way that will be

compatible with the surrounding neighborhood, and consequentially, the County's Zoning Ordinance and Noise, Itinerant Vendor, Dance Hall and Business License regulations.

ENVIRONMENTAL REVIEW

This project has been determined to be generally exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Code of Regulations. A CEQA Exempt Referral and Notice of Public Hearing were circulated to all interested parties and responsible agencies for review and comment. (See Exhibit G – *Environmental Review Referral*.) A Notice of Exemption has been prepared for approval as the project will not have a significant effect on the environment. (See Exhibit F – *Notice of Exemption*.) Conditions of approval reflecting non-environmental referral responses have been placed on the project. (See Exhibit C - *Conditions of Approval*.)

Note: Pursuant to California Fish and Game Code Section 711.4, California Department of Fish and Wildlife (formerly the Department of Fish and Game) CEQA Exempt projects are not required to pay of the CEQA filing fee.

Contact Person: Kristin Doud, Senior Planner, (209) 525-6330

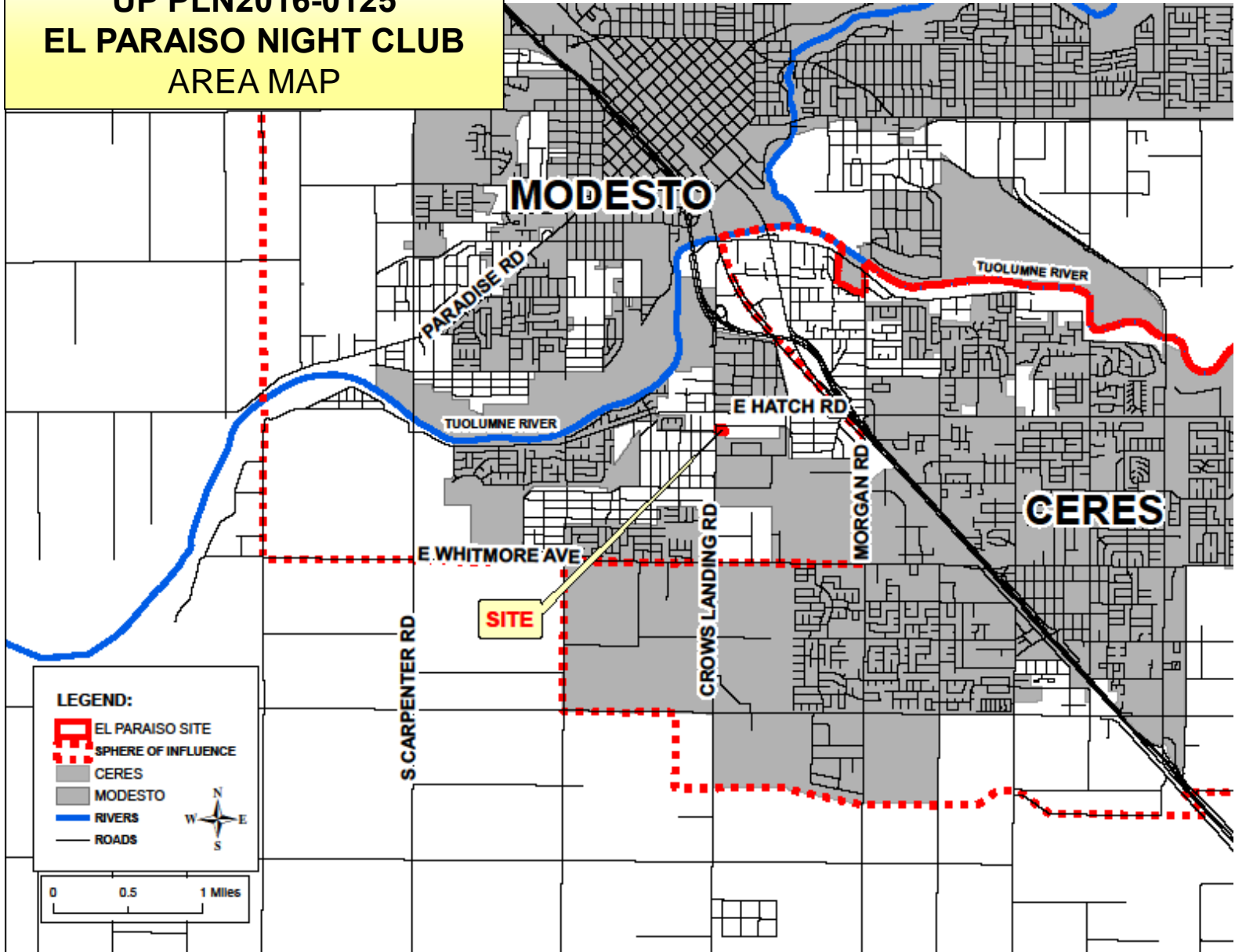
Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Maps
- Exhibit C - Conditions of Approval
- Exhibit D - Security Plan
- Exhibit E - Board of Supervisors Report – Appeal of Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club - October 25, 2016
- Exhibit F - Notice of Exemption
- Exhibit G - Environmental Review Referral

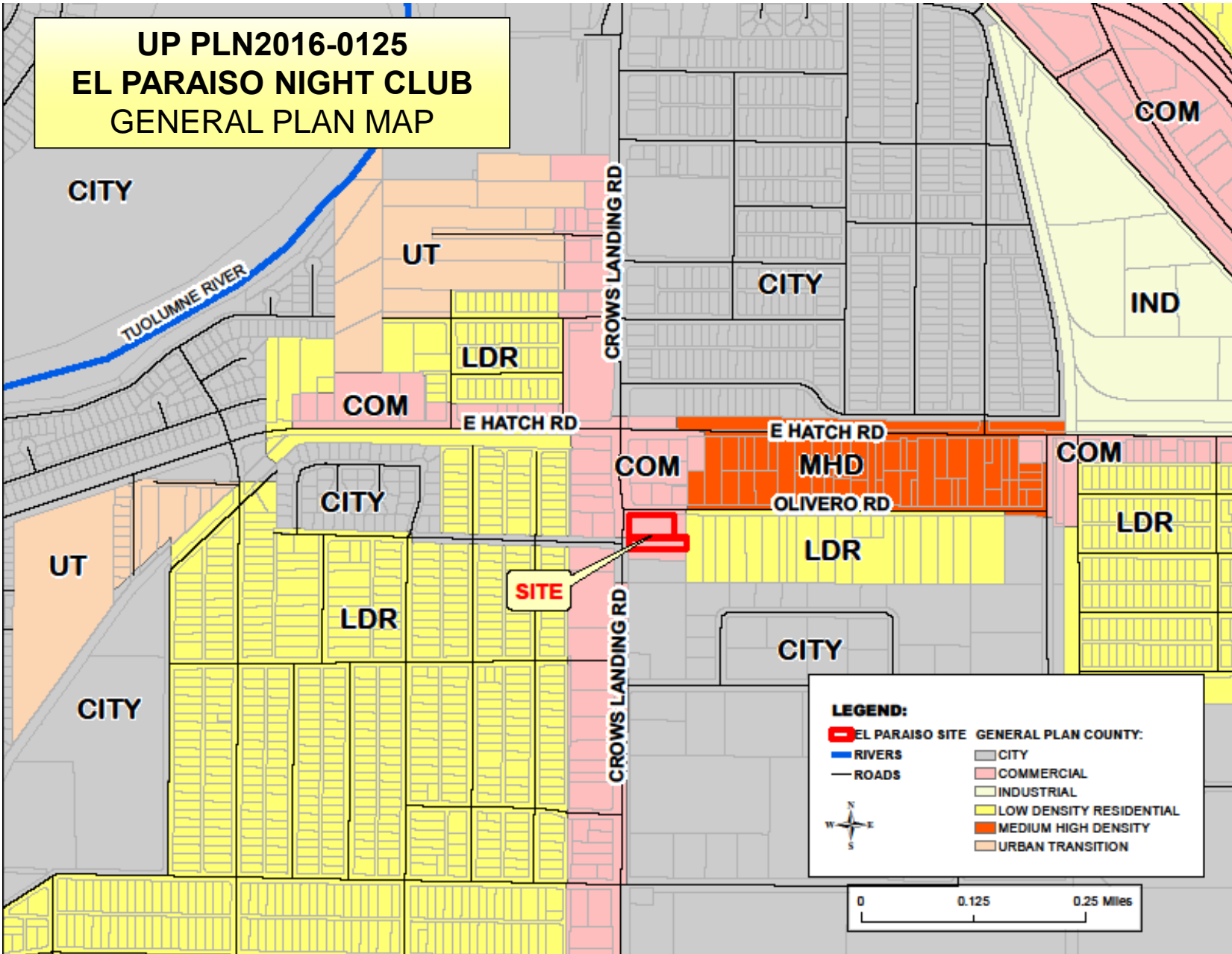
Exhibit A
Findings and Actions Required for Project Approval

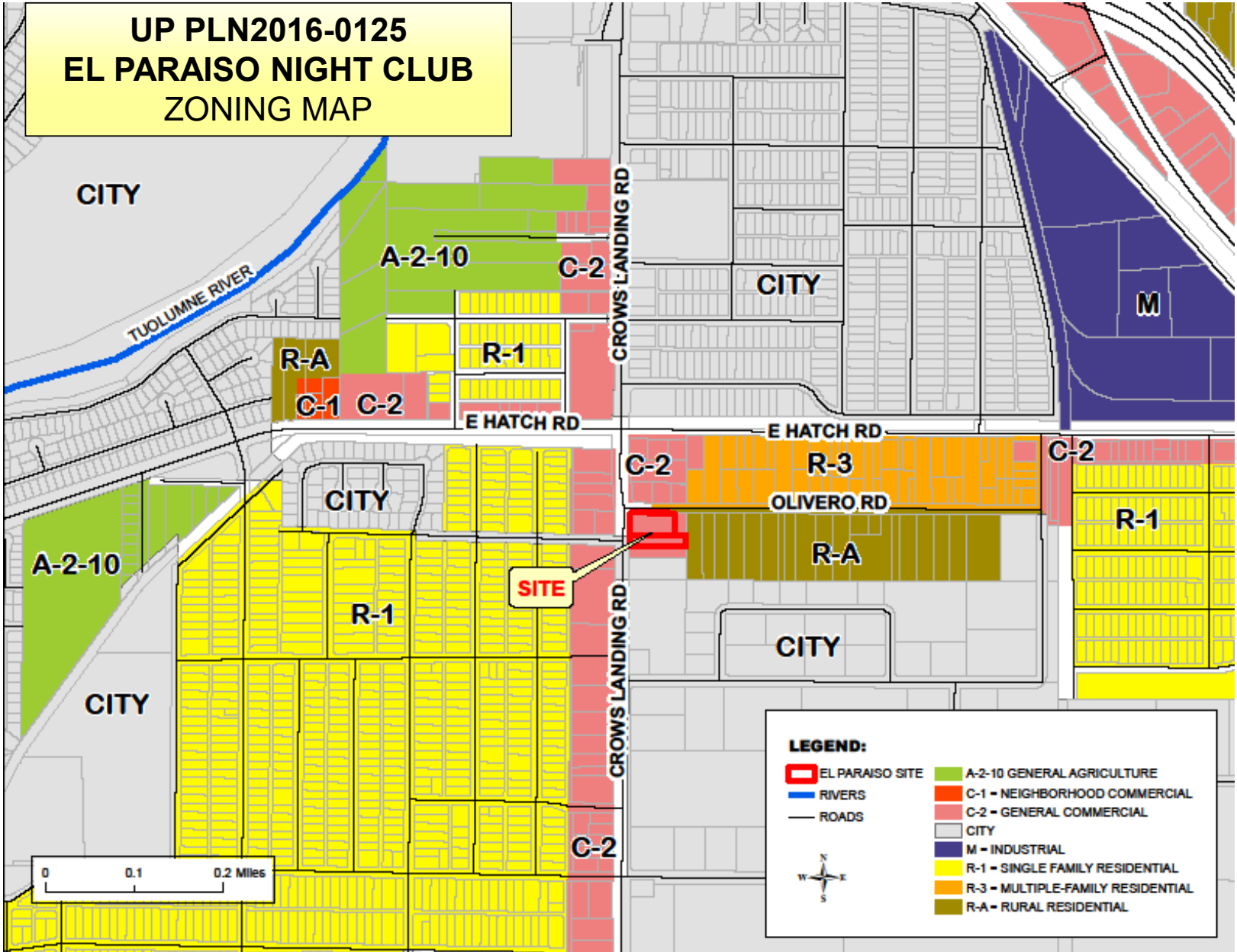
1. Find the project is generally exempt for the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) and order the filing of a Notice of Exemption with the Stanislaus County Clerk-Recorder pursuant to CEQA Guidelines Section 15062.
2. Find that there is no substantial evidence the project will have a significant effect on the environment and that the General Exemption reflects Stanislaus County's independent judgement and analysis.
3. Find That:
 - (a) The establishment, maintenance, and operation of the proposed use or building applied for is consistent with the General Plan designation of "Commercial" and will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the use and that it will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
4. Approve Use Permit Application No. PLN2016-0125 – El Paraiso Nightclub, subject to the attached conditions of approval.

**UP PLN2016-0125
EL PARAISO NIGHT CLUB
AREA MAP**

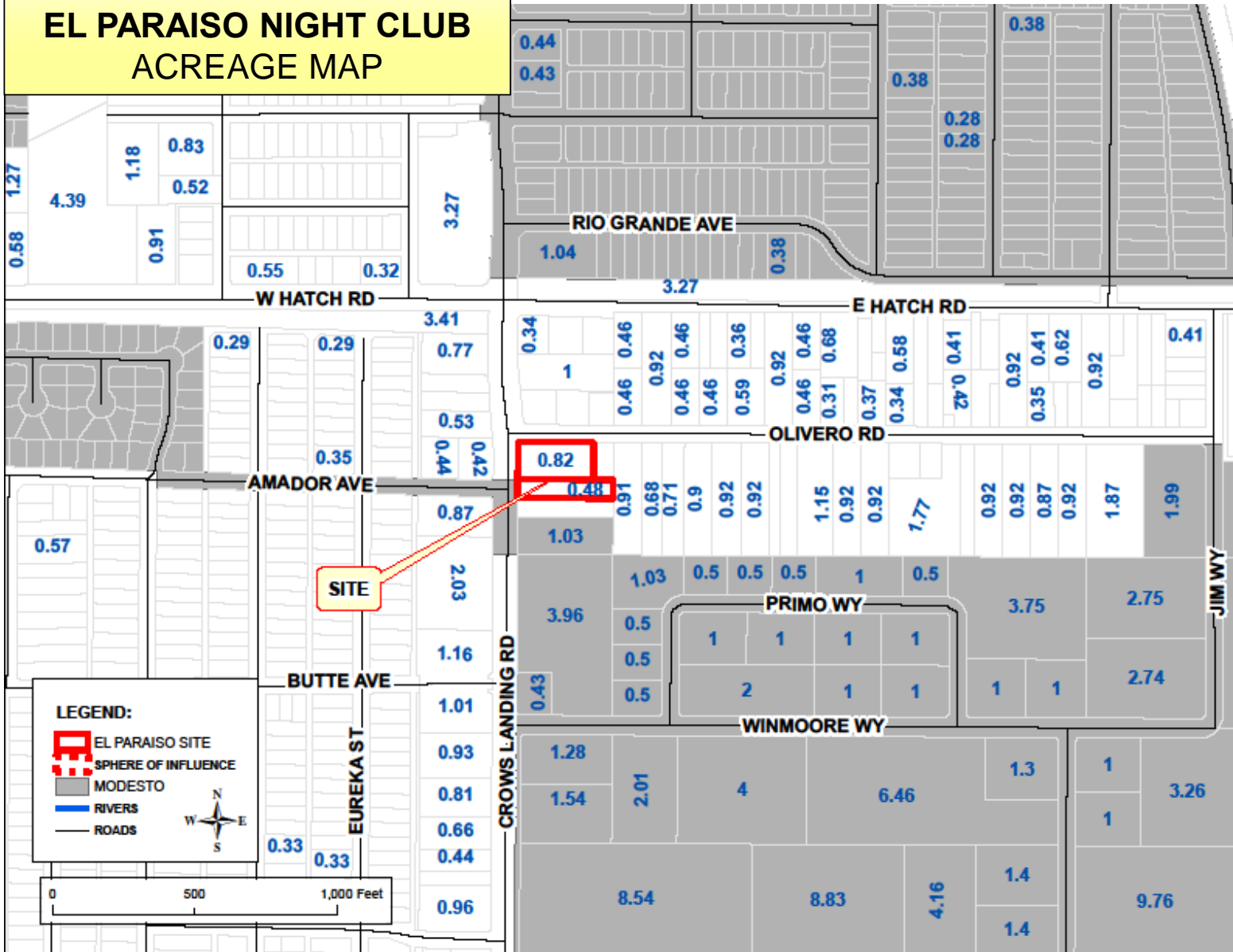


**UP PLN2016-0125
EL PARAISO NIGHT CLUB
GENERAL PLAN MAP**





**UP PLN2016-0125
EL PARAISO NIGHT CLUB
ACREAGE MAP**



LEGEND:

- EL PARAISO SITE
- SPHERE OF INFLUENCE
- MODESTO
- RIVERS
- ROADS

0 500 1,000 Feet

W N E S

**UP PLN2016-0125
EL PARAISO NIGHT CLUB
2015 AERIAL**



**UP PLN2016-0125
EL PARAISO NIGHT CLUB
2015 AERIAL**



A.P.N.
086-010-030

A.P.N.
086-010-031

A.P.N.
086-010-032

OLIVERO ROAD

EXISTING
DRIVEWAY

EXISTING SHADE
CANOPY'S

A.P.N.
086-010-034

A.P.N.
086-010-033

EXISTING SHADE
CANOPY'S

REVISE STRIPING FOR
HANDICAP STALLS

A.P.N.
086-010-035

EXISTING BUILDING
±5,800 S.F.

A.P.N.
086-010-036

CROWS LANDING ROAD

EXISTING DRIVEWAY

PROPERTY OWNER

NAME: JUVENAL A. ALVARADO
ADDRESS: 1550 CROWS LANDING ROAD
CITY/STATE/ZIP: MODESTO, CA 95358

PROJECT SUMMARY

A.P.N.: 086-010-034 (±0.77 ACRES)
086-010-035 (±0.49 ACRES)
TOTAL ACREAGE: ±1.26 ACRES
EXISTING PARCELS: 2
EXISTING G.P.: COMMERCIAL
EXISTING ZONING: C-2 (GENERAL COMMERCIAL)
EXISTING BUILDING: ±5,800 S.F.

PARKING REQUIREMENTS (21.76.140 RESTAURANTS AND BARS) REQUIRE ONE SPACE FOR EVERY FOUR SEATS OR FOUR PERSONS ALLOWED UNDER THE MAXIMUM CAPACITY.

PARKING STALLS REQUIRED: 74
HANDICAP STALLS REQUIRED: 3
1 VAN ACCESSIBLE
PARKING STALLS PROVIDED: 116
HANDICAP STALLS PROVIDED: 3
1 VAN ACCESSIBLE

EXISTING SHADE CANOPY'S TO BE REDUCED PER USE PERMIT CONDITIONS.

PROPERTY DESCRIPTION

BEING A PORTION OF SOUTH MODESTO ACRES AS SHOWN ON THE MAP FILED IN BOOK 11 OF MAPS, PAGE 27, STANISLAUS COUNTY RECORDS, LYING IN THE NORTHWEST 1/4 OF SECTION 9 TOWNSHIP 4 SOUTH, RANGE 9 EASE, MOUNT DIABLO MERIDIAN.



14

EXHIBIT B-6

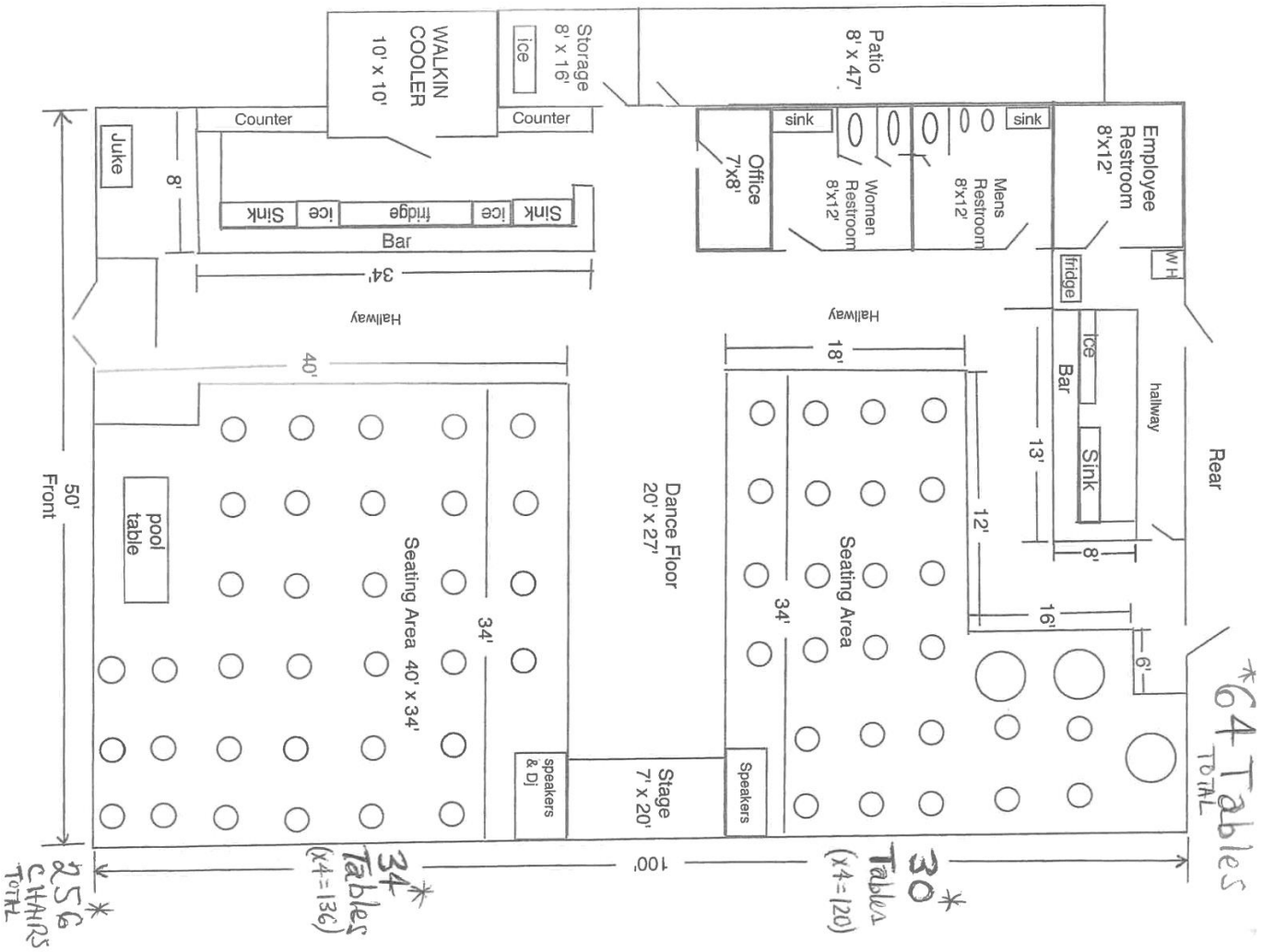


GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE G CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
www.gdrengineering.com

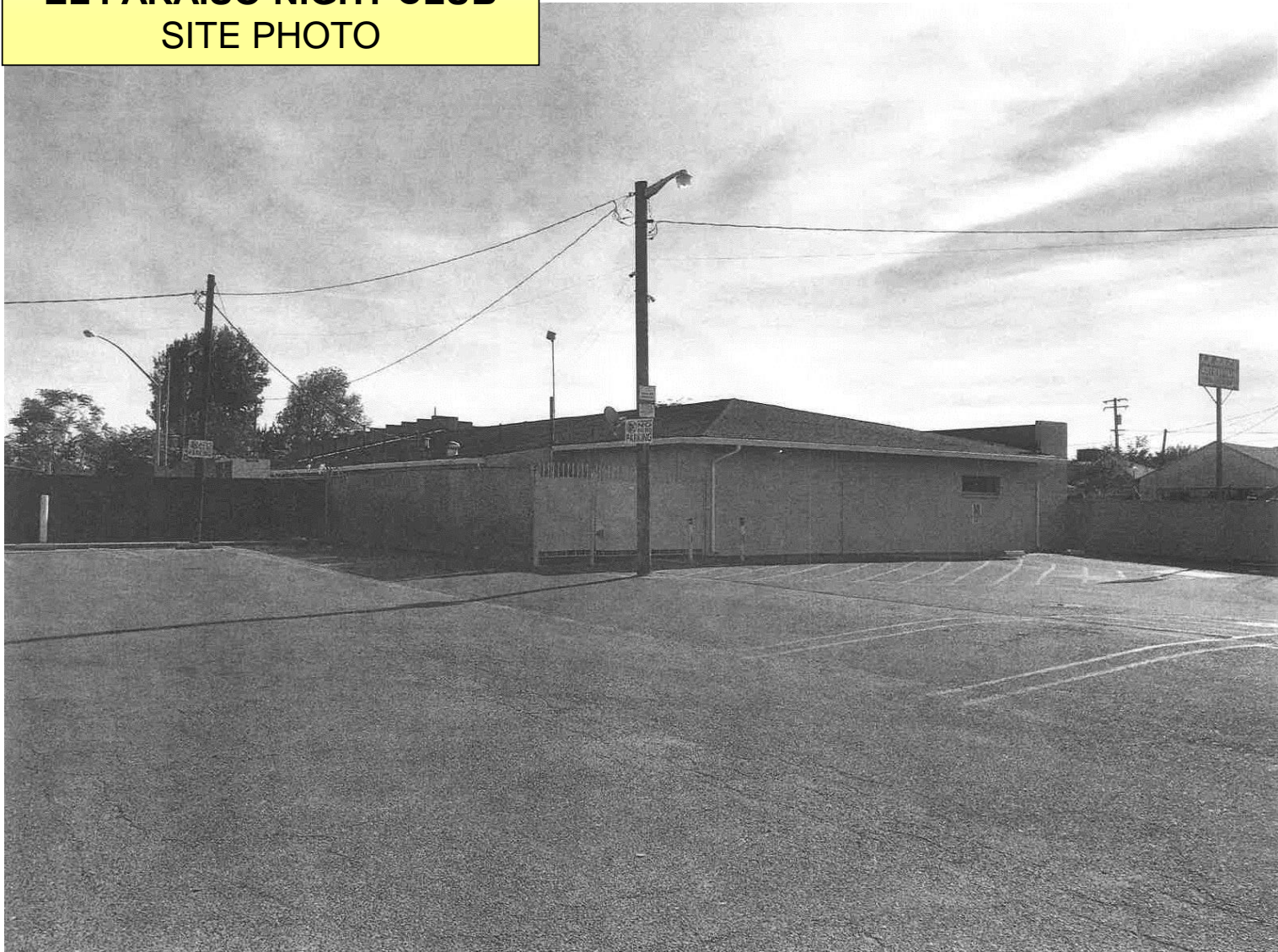
EXISTING SITE PLAN FOR 1540 CROWS LANDING ROAD

Date: 02/13/2017	Scale: 1" = 60'
Drawn.: J. Jantz	Job No.: 16077
Checked: R. Ringler	Sheet: 1 of 1

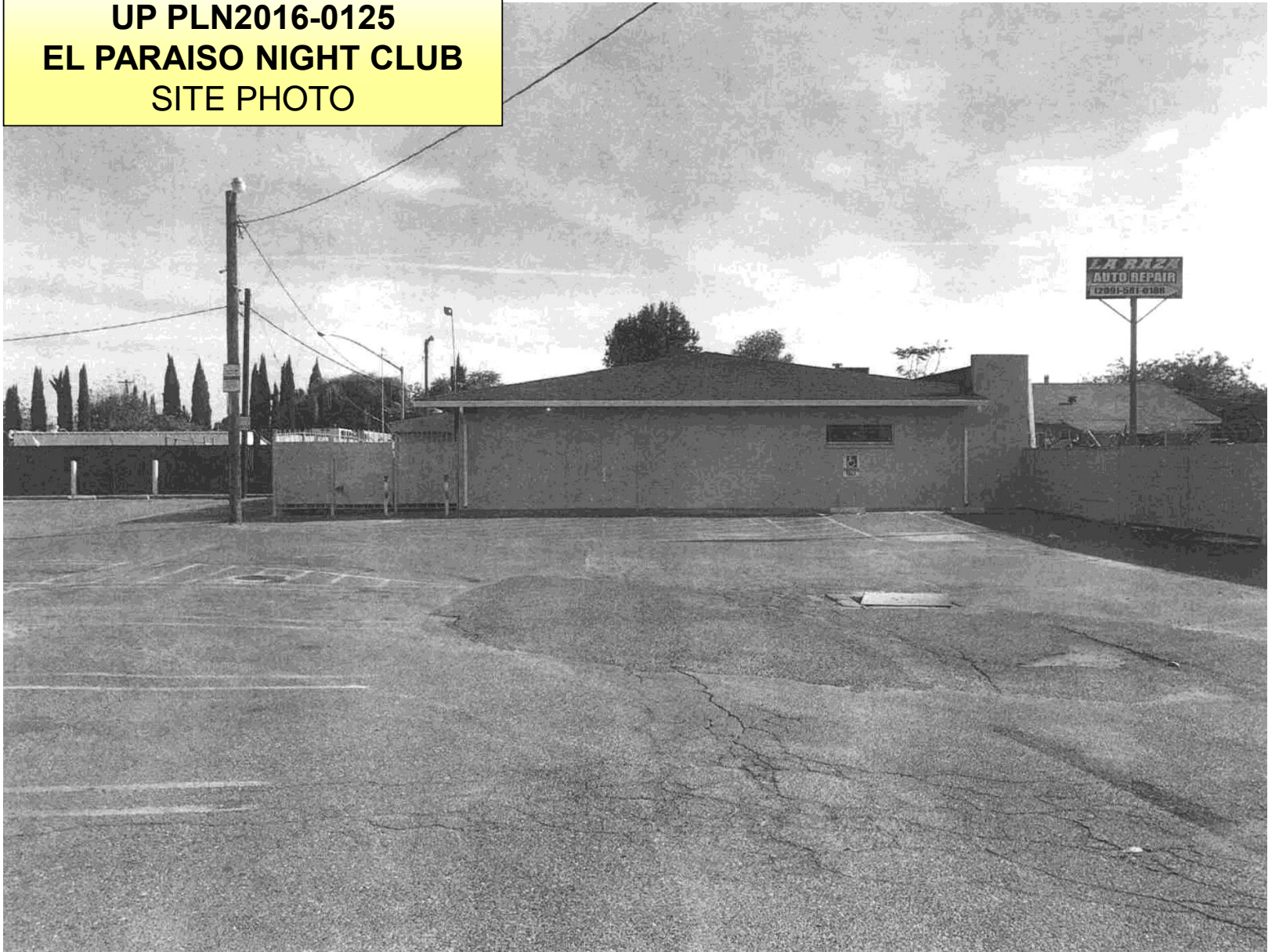
**UP PLN2016-0125
EL PARAISO NIGHT CLUB
FLOOR PLAN**



**UP PLN2016-0125
EL PARAISO NIGHT CLUB
SITE PHOTO**



**UP PLN2016-0125
EL PARAISO NIGHT CLUB
SITE PHOTO**



NOTE: Approval of this application is valid only if the following conditions are met. This permit shall expire unless activated within 18 months of the date of approval. In order to activate the permit, it must be signed by the applicant and one of the following actions must occur: (a) a valid building permit must be obtained to construct the necessary structures and appurtenances; or, (b) the property must be used for the purpose for which the permit is granted. (Stanislaus County Ordinance 21.104.030)

CONDITIONS OF APPROVAL

**USE PERMIT APPLICATION NO. PLN2016-0125
EL PARAISO NIGHTCLUB**

Department of Planning and Community Development

1. Use(s) shall be conducted as described in the application and supporting information (including the plot plan) as approved by the Planning Commission and/or Board of Supervisors and in accordance with other laws and ordinances.
2. Prior to any future construction, developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
3. The applicant/owner is required to defend, indemnify, or hold harmless the County, its officers, and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense.
4. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect. This shall include, but not be limited to, the use of shielded light fixtures to prevent skyglow (light spilling into the night sky) and the installation of shielded fixtures to prevent light trespass (glare and spill light that shines onto neighboring properties).
5. During any future construction, if any human remains, significant or potentially unique, are found, all construction activities in the area shall cease until a qualified archeologist can be consulted. Construction activities shall not resume in the area until an on-site archeological mitigation program has been approved by a qualified archeologist. The Central California Information Center shall be notified if the find is deemed historically or culturally significant.
6. Any future construction associated with this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and may be subject to additional regulations/permits, as determined by the SJVAPCD.
7. A sign plan for all proposed on-site signs indicating the location, height, area of the sign(s), and message must be approved by the City of Modesto, and a Stanislaus County Building Permit obtained, prior to installation.

8. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; and a project area map.
9. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works.
10. The dance hall/night club shall be limited to operating Friday through Sunday, 5:00 p.m. to 2:00 a.m., with a soft close starting at 1:30 a.m.
11. The club shall comply with the Stanislaus County Noise Element and Noise Control Ordinance (Chapter 10.46 of the Stanislaus County Code). In the event that documented noise complaints are received regarding amplified noise activities, all amplified sound activities shall cease, and sound controls shall be developed by a noise consultant, in accordance with Condition of Approval No. 12. Implementation of additional sound controls shall be implemented and verified prior to the continuation of amplified noise activities.
12. Any future additional noise analysis required to be conducted, including review, acceptance, and/or inspection associated with noise mitigation, shall be conducted by a noise consultant, whose contract shall be procured by the Planning Department, and paid for by the operator/property owner. A deposit based on actual cost shall be made with the Planning Department, by the operator/property owner, prior to any work being conducted. The applicant may choose to procure the noise consultant provided they pay the costs for the County to have all work peer reviewed by a third party. If future noise analysis is required, amplified music events will be limited, as determined by the Planning Department, until the noise consultant verifies to the Planning Department that all recommended noise control measures have been completely implemented.
13. A valid Business License and Permit to Conduct a Public Dance Hall (in conformance with Title 6, specifically Chapter 6.04 and 6.44 of the Stanislaus County Code) shall be maintained through the Stanislaus County Treasurer-Tax Collector's Department.
14. All itinerant/mobile food vendors located on the project site shall comply with Chapter 6.68 of the Stanislaus County Code. This includes but is not limited to, a requirement to be located at least thirty-five feet back from the paved edge of any roadway, to not be operated within the clear vision triangle area of any intersection, to not occupy any required parking space for on-site development, or to have any permanent structures on-site. A permanent structure is considered to be any structure over 120 square feet in size, which would require a building permit in accordance with Title 24 of the Building Code. Any structures associated with the taco trucks located on the project site, including shade structures or seating areas, which are not "temporary", shall be removed within six months of project approval.

Building Permits Division

15. Building permits are required, in conformance with the California Code of Regulations, Title 24, for any future construction.

Sheriff Department

16. The club shall operate at all times in compliance with a Security Plan, which has been reviewed and approved by the Sheriff's Department. If at any time the Security Plan is determined to be insufficient by the Sheriff's Department, operations shall cease, and the Security Plan shall be amended as requested by the Sheriff's Department. Operations may continue once the Sheriff's Department has approved the revised Security Plan and all requested changes have been implemented.

Public Works Department

17. An encroachment permit shall be taken out for any work in the Crows Landing Road right-of-way.
18. No parking, loading, or unloading of vehicles is permitted within the Crows Landing Road right-of-way.
19. Prior to issuance of any Grading or Building Permit, an on-site grading and drainage plan shall be prepared by a California Civil Professional Engineer and submitted to Stanislaus County Public Works for review and approval. Public Works will review and approve the drainage calculations. The grading and drainage plan shall conform to the requirements of the Stanislaus County Standards and Specifications that is current at the time of the plan submittal.
20. Prior to issuance of any Grading or Building Permit, the property owner shall obtain coverage for the project under the current State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) Construction General Permit, if applicable.
21. The applicant of the Building or Grading Permit shall pay the current Stanislaus County Public Works weighted labor rate for the review of the building and/or grading plans and all related inspection fees.
22. All itinerant/mobile food trucks shall remain outside the clear vision triangle of the intersection of Olivero Road and Crows Landing Road.
23. Within three months of project approval, an Irrevocable Offer of Dedication for Crows Landing Road shall be submitted and accepted by Public Works. Crows Landing Road is classified as a 110-foot Minor Arterial Road. The required ½ width of Crows Landing Road is 55 feet east of the centerline of the roadway. The existing right-of-way is 50 feet southwest of the centerline. The remaining 5 feet southwest of the centerline shall be dedicated as an Irrevocable Offer of Dedication for the parcel's frontage on Crows Landing Road.
24. Within three months of project approval, an Irrevocable Offer of Dedication for Olivero Road shall be submitted and accepted by Public Works. Olivero Road is classified as a 60-foot Local Road. The required ½ width of Olivero Road is 30 feet south of the centerline of the

roadway. Thirty (30) feet south of the centerline of Olivero Road shall be dedicated as an Irrevocable Offer of Dedication for the parcel's frontage on Olivero Road.

City of Modesto

25. Any new construction or grading shall comply with all City of Modesto standards.
26. Within six months of project approval, in order to maintain required parking for the club, the two lots (086-010-034 and 086-010-035) shall be merged; or, parking secured with an irrevocable recorded reciprocal parking agreement, to be approved by the Stanislaus County Planning and Community Development Department prior to recording.

*Please note: If Conditions of Approval/Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right-hand corner of the Conditions of Approval/Development Standards; new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

El Paraiso Night Club
Security Plan
Date: December 19, 2016



A handwritten signature in blue ink, followed by the date "12/29/16" written in the same ink.

Our goal is to provide a safe environment for our patrons and the community. Also to maintain a working relationship with the Stanislaus County Sheriff's Department to make sure that the changes we have made are making a difference.

- El Paraiso Night Club will provide 3 security guards on Fridays and Saturdays and 2 security guards on Sundays. If Monday is a holiday, the preceding Sunday will be staffed with 3 security guards. We will have one security guard walking the parking lot consistently and one inside and one at the entrance. When there are two security guards, owners and employees will monitor the inside of the club. El Paraiso will employ a professional and certified security company.
- Security will not allow in and out privileges to its patrons. Security will use clickers to monitor occupancy limitations. Security will use radios to communicate with each other.
- The taco trucks will close at 1:00 am, so that when the nightclub starts to clear out at 1:30 the taco trucks will be gone. During the week taco trucks will also make sure they clear the parking lot before they leave and lock parking lot entrances.
- When the nightclub closes, security will sweep the parking lot and make sure all cars and people have left the parking lot. The parking lot entrances will be locked so cars can no longer access it.
- The DJ will announce taco truck closure at 1:00 am and business soft close at 1:30 am. Patrons will be asked to vacate the parking lot immediately after closing.
- No-loitering signs will be placed and maintained in the parking lot.
- Security and/or employees will conduct physical searches of patrons to prevent weapons from coming into the business.

- No weapons of any kind will be allowed into the business.
- Proper lighting in the parking lot and entrance will be maintained at all time.
- No alcoholic beverages will be allowed to leave the business. Alcoholic beverages in the parking lot an in and around the food vendors is prohibited. Security will monitor the parking at all times.
- El Paraiso and its employees will not refrain from calling law enforcement when a law violation occurs and law enforcement action is required.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA #: 9:15 a.m.

AGENDA DATE: October 25, 2016

SUBJECT:

Public Hearing to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

BOARD ACTION AS FOLLOWS:

No. 2016-541

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: Conducted the public hearing to consider an appeal of the Treasurer-Tax Collector's Department denial of a Dance Hall Permit for El Paraiso Night Club; the Board granted the appeal and issued a 6 month Dance Hall Permit to the El Paraiso Nightclub effective upon approval by the Sheriff's Office of a Security Plan and operating conditions; a condition of approval shall be that the owner will within 30 days apply for and diligently pursue a Conditional Use Permit

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

EXHIBIT E

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Sheriff's Department

Urgent Routine

BOARD AGENDA #: 9:15 a.m.

AGENDA DATE: October 25, 2016

CEO CONCURRENCE:



4/5 Vote Required: Yes No

SUBJECT:

Public Hearing to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

STAFF RECOMMENDATIONS:

1. Consider an appeal of the Treasurer-Tax Collector's Department denial of a Dance Hall Permit for El Paraiso Night Club

DISCUSSION:

This Public Hearing is to consider an appeal of the Treasurer-Tax Collector's Department denial of a "Permit to Conduct a Public Dance Hall" at El Paraiso Night Club, located at 1550 Crows Landing Road. A Permit to Conduct a Public Dance Hall is a discretionary permit issued by the Treasurer-Tax Collector after the referral to the Sheriff's Department for review. The Dance Hall permit is an annual permit and is separate and in addition to the required business license.

In 1993, El Paraiso submitted an application to the Treasurer-Tax Collector's Department for a business license. As part of the process, the applicant is required to seek approval from the Planning Department. El Paraiso sought and received that approval and obtained their business license in December 1993.

The current business license was originally approved as a bar by the Planning Department on December 28, 1993 under the name of El Paraiso. The business license, which is required to be renewed every three years, has been renewed by the Treasurer-Tax Collector's Department since 1993 without further Planning Department review. Over the years the use, as described on the business license renewal application, has changed from a bar in 1993, to a bar and night club in 1996, back to a bar in 2000, and back to a bar and night club in 2003. The name has also transitioned over the years from "El Paraiso" to "El Paraiso Night Club". The stated on-site business activities in 2008 were "bar and dance" and in 2014 the business activity was described as "dancing". The business license for El Paraiso is valid until December 30, 2017.

A separate permit is required to conduct or operate a dance hall. The El Paraiso Night Club is one of four establishments in the County that has obtained a Permit to Conduct a Public Dance Hall. This is issued by the Treasurer-Tax Collector's Department as part of business operations. El Paraiso Night Club was first issued a Dance Hall Permit on June 20, 2002.

Public Hearing to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

Each year, there is a renewal process to apply for a Permit to Conduct a Public Dance Hall. The application is circulated through several County departments, including the Sheriff. The Sheriff's role in the permit process is to assess the impacts to public safety at the requesting business and the surrounding neighborhoods, in addition to the impact on Sheriff personnel resources in responding to calls for service.

As part of the 2014 application process review, the Sheriff's Department noted a significant number of calls for service at the business, which included robberies, assaults, and property crimes. The Dance Hall permit was initially denied. The business owners requested a meeting with staff from the Sheriff's Department in an attempt to reinstate the permit denial. Sheriff staff worked diligently with the business owners and provided a crime reduction strategy. Those recommendations included fencing the property, providing extra lighting, installing security cameras, and a carefully assessing their relationships with mobile food vendors who park in the parking lot. Patrons who loiter in the parking lot area near the food vendors were a significant source of calls for the Sheriff, which resulted in incidents that involved violent assaults and robberies.

The Sheriff worked closely with the property owners over several weeks as they implemented many of the recommendations, and the renewal request was ultimately approved by the Sheriff and returned to the Treasurer-Tax Collector. The Sheriff has monitored the number and types of calls for service over the past two years. During that time, there have been 84 calls for service at the El Paraiso Night Club property. In addition, there were 874 calls for service in the areas immediately surrounding El Paraiso Night Club. Many of those incidents involved assaults, property crimes, and other violent crimes. On November 30, 2015 the California State Alcohol Beverage Control (ABC) conducted an enforcement operation at the business which resulted in three citations for liquor license violations.

In previous discussions with the owners of El Paraiso Night Club, they have asserted the majority of crimes or other incidents that drive responses by the Sheriff are the result of incidents which occur in the parking lot or other surrounding areas outside the bar itself. The owners argue the "Dance Hall" portion is critical to their business, as patrons usually go to the bar for the dancing and live music.

As the owners suggest, the "Dance Hall" is what attracts the majority of the clientele to the bar. In reviewing a number of the criminal offenses at the business, the majority of those incidents involved bar patrons. This has a direct impact on the safety and security of people living in the surrounding neighborhoods, as well as the public safety personnel who must respond to the business.

In 2016, the property owners requested a renewal of the Dance Hall permit, and the Sheriff recommended denial. The Sheriff has worked diligently with the owner in trying to reduce violent crimes occurring on the property, while at the same time attempting to preserve the safety and security of the neighborhoods surrounding the business.

Public Hearing to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

On July 18, 2016, the El Paraiso Night Club was notified by the Treasurer-Tax Collector Department that their application for a dance hall permit was denied based upon the recommendation of the Stanislaus County Sheriff's Department. An appeal of the denial was submitted by Jorge Bustos, Co-Owner of El Paraiso Night Club to the Clerk of the Board of Supervisors on August 29, 2016. In accordance with Stanislaus County Code Section 6.44.080, dance hall application appeals are filed with the Board of Supervisors. After receiving the appeal, the Board of Supervisors, on September 27, 2016, set a hearing date for consideration of the appeal.

The Notice of Public Hearing was published on October 14, 2016 in the Modesto Bee and Land Owner Notices were mailed on October 13, 2016 to surrounding land owners of the El Paraiso Night Club.

In addition to the crime and calls for services, the property does not have the proper land use approvals required to operate as a night club. The property is located in the C-2 (General Commercial) zoning district. Bars and night clubs are a permitted use in the C-2 zoning district; however, since at least 1980, a night club located within 200-feet of the boundary of any R district is required to obtain a use permit. The subject property touches the border of a Rural Residential (R-A) zoning district. Records in the Planning Department show no use permit has been issued to the property.

Based on the Planning Department's review, it appears that the original 1993 business license was issued in conformance with the C-2 zoning district; however, the addition of a night club use as part of the 1996 renewal should have been preceded by an application for a use permit. Neither a business license nor a dance hall permit would have been issued in 1996, and cannot be issued without first obtaining a use permit for a night club. Consequently, the permit to conduct a public dance hall sought by the applicant cannot be issued until a use permit for a night club is obtained.

As a result of the continuing criminal activity occurring on the property and because the proper land use approvals have not been obtained, staff recommends that the Board of Supervisors reject the applicant's appeal of the Treasurer-Tax Collector's Department denial of a "Permit to Conduct a Public Dance Hall" at El Paraiso Night Club, located at 1550 Crows Landing Road.

POLICY ISSUE:

Stanislaus County Code Chapter 6.44 outlines the dance hall permit application process and specifies that in the event the Treasurer-Tax Collector does not issue a permit, the applicant may appeal to the Board of Supervisor.

FISCAL IMPACT:

Costs associated with processing the appeal, including setting of the public hearing, publishing of required notices, and conducting the hearing, will be funded as part of the 2016-2017 Fiscal Year Board of Supervisor's budget.

Public Hearing to Consider an Appeal of the Treasurer-Tax Collector's Department Denial of a Dance Hall Permit for El Paraiso Night Club

BOARD OF SUPERVISORS' PRIORITY:

Setting a public hearing to consider an appeal of the Treasurer-Tax Collector's Department denial of a Dance Hall Permit is consistent with the Board's priority of A Safe Community.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Captain James Gordon, Sheriff's Department 209.525.7114

ATTACHMENT(S):

1. July 18, 2016 Treasurer-Tax Collector Denial Letter
2. August 25, 2016 Appeal Letter from Mr. Bustos with enclosures
3. October 13, 2016 Correspondence from Mr. Flores, Attorney for Mr. Bustos

Attachment 1



OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford

Treasurer / Tax Collector

P. O. Box 859, Modesto, CA 95353-0859

Phone: 209.525.6388 Fax: 209.525.7668

July 18, 2016

EL PARAISO NIGHT CLUB
C/O JORGE BUSTOS



RE: APPLICATION FOR DANCE HALL PERMIT

Dear Mr. Bustos:

We regret to inform you that your application for a Stanislaus County Dance Hall Permit has not been approved. Your application was denied by the Stanislaus County Sheriff's Department.

We have forwarded this information to code enforcement. If you have any questions or need further explanation, please contact me at (209) 525-6388.

Sincerely,

Gordon B. Ford
Treasurer – Tax Collector
Stanislaus County

Joan Corwin
Accounting Technician

GBF:jc

Attachment 2

Jorge Bustos
EL PARAISO NIGHT CLUB
5112 Crows Landing Rd.
Modesto, California 95351
(209)

BOARD OF SUPERVISORS

2016 AUG 29 P 3:47

DATE: August 25, 2016

HAND DELIVERED

TO: Clerk of the Board of Supervisors
Gordon Ford, Office of the Treasurer

I am informed that my business application for a dance hall permit has been "denied by the Stanislaus County Sheriff's Department." Copy attached.

I discussed the matter with the Sheriff's Department.

I hereby appeal the denial in accordance with Chapter 6.44.080.

Dated: 8/29/16

Signed: Jorge Bustos
Jorge Bustos, Co-Owner, Applicant

Law Office Of
Armando M. Flores
429 Thirteenth Street
Modesto, California 95354
(209) 524-4717
Fax (209) 524-4758
E-mail: amfloreslawoffice@gmail.com

CHAPTER 6.44. DANCE HALLS

1. Application referred for investigation to Sheriff. 6.44.050
 - a) No time limit to conduct investigation.
 - b) Vague review standard. What is "safe and proper". Leaves it to discretion of Sheriff.
 - c) Sheriff shall "report." No definition of report. No written report. No access to the report to determine accuracy and fairness.
2. Tax Collector shall "grant or "refuse" permit.
 - a) No time limit to review required. Can take weeks.
 - b) No reason for denial required.
 - c) No documentation required.
 - d) The "Comments" section of the Application is not released to applicant.
 - e) Process flawed for lack of transparency and disclosure.
 - f) No LETTER OF DENIAL delivered to applicant with reasons. Only a phone call after checking.
3. Concerns
 - a) Denial of permit has caused loss of 90% per cent of business. Workers terminated.
 - b) Requested proof of complaints, service calls and reports. Non provided.
 - c) Sheriff shut down the business without providing reasons and documentation
 - d) No opportunity to meet and confer to discuss remedial action by the applicant.
4. Remedies: Review and Revise Chapter 6.44. Include the following:
 - a) Take the process out of Tax Collector process. Not expertise.
 - b) Move to Planning Commission.
 - c) If not set up a quick internal process before review by the Board of Supervisors that is quick and low cost. Streamline the process.
 - d) Require specific time period for review of the application. Example: 30 days.
 - e) Require Sheriff, Fire Department, and Environmental Resources to
 1. Meet and confer with applicant and make recommendations for improvement
 2. Allow for remedial action by the applicant as recommended.
 3. Explain in writing and provide documentation of problems.
5. 6.44.080 Denial Appeal: Process not defined. How?



921

OFFICE OF TREASURER / TAX COLLECTOR

Gordon B. Ford
 Treasurer / Tax Collector
 P. O. Box 859, Modesto, CA 95363-0859
 Phone: 209.525.6388 Fax: 209.525.7868

APPLICATION FOR PERMIT TO CONDUCT A
 PUBLIC DANCE HALL

NAME OF DANCE HALL: EL PARAISO NIGHT CLUB
 ADDRESS OF DANCE HALL: 1550 CROWS LANDING RD

The undersigned hereby makes an application for a Permit to keep and conduct a Public Dance Hall in the County of Stanislaus, State of California, at the place and address set forth above, from date of issuance of Permit, to and including one year.

It is hereby expressly agreed that in the event that this Permit shall be issued, that said Dance Hall should be conducted in strict accord with the provisions of the law subject to the provisions of this application, and that he/she will be held responsible for violation of any provision of law or ordinance regulation Public Dance Halls. There are ~~500~~ 500 square feet of dancing space in said hall.

The undersigned is the proprietor of the hall located at the above address in which hall, an application for keeping and conducting a Public Dance Hall is hereby made.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on 7-7-16 at Modesto, California

Signed: George Bustos Print Name: George Bustos

For Office Use Only

Sheriff's Office			
YES	(NO)	Date: <u>7/14/16</u>	Signature: <u>[Signature]</u>
ABC PERMIT		Comments: <u>ISSUED</u>	

Number of attendants required to be present when said dance hall is open to the public is _____

Fire Department			
YES	NO	Date:	Signature:
Fee: \$195.00		Comments:	

Environmental Resources			
YES	NO	Signature:	
Kitchen Facility:		Water System	Food Prepared: if caterer state name
YES	NO	Public Private Well	On-Site Caterer

Tax Collector		
Issue Date:	Fees Collected: <u>\$295.00</u>	Receipt No.: <u>160678</u>
Date: <u>7/7/16</u>	Signature: <u>[Signature]</u>	

Permit #13-001

Attachment 3

Law Office of
Armando M. Flores
429 Thirteenth Street
Modesto, California 95354
(209) 524-4717
Fax (209) 524-4758
E-Mail: amfloreslawoffice@gmail.com

✓
2016 OCT 13 A 10:28

DATE: October 13, 2016

TO: Stanislaus County Board of Supervisors
Jim DeMartini, Vito Chiesa, William O'Brien, Terry Withrow, Dick Montieth

SUBJECT: El Paraiso. Dance Hall Permit Appeal
Hearing: October 25, 9:15 a.m.

ENCLOSURE: Dance Hall Permit Application and Issues and Recommendations Outline.

For your information and files.

Thank you for the opportunity to be heard.

Sincerely yours,



Law Office of Armando M. Flores

cc: Juvenal Alvarado; Jorge Bustos

Law Office Of
Armando M. Flores
429 Thirteenth Street
Modesto, California 95354
(209) 524-4717
Fax (209) 524-4758
E-mail: amfloreslawoffice@gmail.com

Stanislaus County Code: CHAPTER 6.44. DANCE HALLS

PRESENTATION:

1. Application referred for review to Sheriff.
 - a) No time limit to conduct review and respond.
 - b) Vague review standard. What is "safe and proper" ?
 - c) Sheriff shall "report." No definition of report. No written report required.
 - d) No access to the report to determine accuracy and basis for denial.

2. Tax Collector shall "grant or "refuse" permit.
 - a) No time limit for review of the application.
 - b) Letter of Denial of Permit gives no reason(s) for denial.
 - c) No documentation required.

3. Issues
 - a) Sheriff said "Denied" without providing specific reasons or documentation.
 - b) Requested proof of complaints, service calls and reports. None provided.
 - c) No opportunity to meet and confer to discuss remedial action by the business before the denial issued.
 - d) Denial has caused loss of 90% per cent of business. Loss of income to owners.
 - e) Business closed and employees terminated.
 - f) Loss of tax revenue to the County.

4. Remedies: Revise **Chapter 6.44**. Include the following:
 - a) Move process to Planning Commission as with "Use Permit."
 - d) Require specific time period for review of the application. Example: 30 days.
 - c) Require Sheriff, Fire Department, and Environmental Resources to:
 1. Give reasons in writing for Denial and provide documentation.
 2. Require meet and confer with applicant before denial.
 3. Allow time for remedial action by the applicant as recommended.

5. **6.44.080 Denial Appeal**: Process not defined nor time limit to set for hearing.



OFFICE OF TREASURER/TAX COLLECTOR

Gordon B. Ford
Treasurer/Tax Collector

PO Box 859, Modesto CA 95353-0859
Phone: 209.525.6388 Fax: 209.525.7868

APPLICATION FOR PERMIT TO CONDUCT A PUBLIC DANCE HALL

NAME OF DANCE HALL: _____

ADDRESS OF DANCE HALL: _____

The undersigned hereby makes application for a Permit to keep and conduct a Public Dance Hall in the County of Stanislaus, State of California, at the place and address set forth above, from date of issuance of Permit, to and including one year.

It is hereby expressly agreed that in the event that this Permit shall be issued, that said Dance Hall shall be conducted in strict accord with the provisions of the law subject to the provisions of this application, and that he/she will be held responsible for violation of any provision of law or ordinance regulation Public Dance Halls. There are _____ square feet of dancing space in said hall.

The undersigned is the proprietor of the hall located at the above address, in which hall an application for keeping and conducting a Public Dance Hall is hereby made.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at Modesto, California.

Applicant

Date:	Phone:	Address:
Sign		

Sheriff's Office

YES	NO	Date:	Sign
ABC Permit		Comments:	

Fire Department

YES	NO	Date:	Sign:
Fee: \$195.00		Comments:	

Environmental Resources

YES	NO	Date:	Sign:		
Kitchen Facility:		Water System:		Food Prepared: if caterer state name	
Yes	No	Public	Private Well	On-Site	Caterer: _____

Tax Collector

Issue Date:	Fees Collected:	Receipt No.:
Date:	Signed:	



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OFFICE OF TREASURER / TAX COLLECTOR
 Gordon B. Ford
 Treasurer / Tax Collector
 P. O. Box 859, Modesto, CA 95363-0859
 Phone: 209.526.6368 Fax: 209.525.7668

APPLICATION FOR PERMIT TO CONDUCT A PUBLIC DANCE HALL

NAME OF DANCE HALL: EL PARAISO NIGHT CLUB
 ADDRESS OF DANCE HALL: 1550 CROWS LANDING Rd

The undersigned hereby makes an application for a Permit to keep and conduct a Public Dance Hall in the County of Stanislaus, State of California, at the place and address set forth above, from date of issuance of Permit, to and including one year.

It is hereby expressly agreed that in the event that this Permit shall be issued, that said Dance Hall should be conducted in strict accord with the provisions of the law subject to the provisions of this application, and that he/she will be held responsible for violation of any provision of law or ordinance regulation Public Dance Halls. There are ~~500~~ 500 square feet of dancing space in said hall.

The undersigned is the proprietor of the hall located at the above address in which hall, an application for keeping and conducting a Public Dance Hall is hereby made.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on 7-7-16 at Modesto, California

Signed: George Bustos Print Name: George Bustos

Phone No.: 209 531 7841 Address:

For Office Use Only

Sheriff's Office			
YES	<input checked="" type="checkbox"/> NO	Date: <u>7/14/16</u>	Signature: <u>[Signature]</u>
ABC PERMIT		Comments: <u>DENIED</u>	

Number of attendants required to be present when said dance hall is open to the public is _____

Fire Department

YES	<input checked="" type="checkbox"/> NO	Date	Signature:
Fec: \$195.00		Comments:	

Environmental Resources

YES	<input checked="" type="checkbox"/> NO	Signature:
Kitchen Facility:	Water System	Food Prepared: if caterer state name
YES NO	Public Private Well	On-Site Caterer

Tax Collector

Issue Date:	Fees Collected: <u>\$295.00</u>	Receipt No.: <u>160678</u>
Date: <u>7/7/16</u>	Signature: <u>[Signature]</u>	

Permit #13-001

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: USE PERMIT APPLICATION NO. PLN2016-0125 – EL PARAISO NIGHTCLUB.

Applicant Information: Juvenal and Maria Alvarado Family Trust.

Project Location: APN 086-010-034 & 086-010-035, located at 1550 Crows Landing Road, southeast corner of Crows Landing and Olivero Roads, within the City of Modesto's LAFCO-adopted Sphere of Influence., California.

Description of Project: Request to allow the operation of a dance hall/night club on a 1.26 acre site, improved with an existing 5,000 square foot building and paved parking lot. The project is located at 1550 Crows Landing Road, on the southeast corner of Crows Landing and Olivero Roads, in the Modesto area.

Name of Agency Approving Project: Stanislaus County Planning Commission

Lead Agency Contact Person: Kristin Doud, Senior Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Section 15301 Existing Facilities
- Statutory Exemptions. State code number: _____
- General Exemption.

Reasons why project is exempt: The project is an existing business which has been operating in an urbanized commercial zoning district since 1993. No expansion is proposed as part of the use permit.

(I:\PLANNING\STAFF REPORTS\UP\2016\UP PLN2016-0125 - EL PARAISO NIGHT CLUB\PLANNING COMMISSION\APRIL 20, 2017\NOTICE OF EXEMPTION.DOC)

SUMMARY OF RESPONSES FOR ENVIRONMENTAL REVIEW REFERRALS

PROJECT: USE PERMIT APPLICATION NO. PLN2016-0125 - EL PARAISO NIGHTCLUB

REFERRED TO:	RESPONDED		RESPONSE			MITIGATION MEASURES		CONDITIONS			
	2 WK	PUBLIC HEARING NOTICE	YES	NO	WILL NOT HAVE SIGNIFICANT IMPACT	MAY HAVE SIGNIFICANT IMPACT	NO COMMENT NON CEQA	YES	NO	YES	NO
CA DEPT OF CONSERVATION, LAND RESOURCES											
CA DEPT OF FISH & WILDLIFE	X	X		X							
CA DEPT OF TRANSPORTATION: DISTRICT 10											
CITY OF MODESTO PLANNING	X	X	X				X		X	X	
COOPERATIVE EXTENSION	X	X		X							
FIRE PROTECTION DIST: INDUSTRIAL FIRE	X	X		X							
IRRIGATION DISTRICT: TURLOCK	X	X		X							
MOSQUITO DISTRICT: TURLOCK	X	X		X							
MT VALLEY EMERGENCY MEDICAL	X	X		X							
MUNICIPAL ADVISORY COUNCIL: SOUTH MODESTO	X	X		X							
PACIFIC GAS & ELECTRIC	X	X		X							
SAN JOAQUIN VALLEY APCD	X	X	X				X		X		X
SCHOOL DISTRICT 1: CERES UNIFIED	X	X		X							
STAN CO BUILDING PERMITS DIVISION	X	X		X							
STAN CO CEO	X	X		X							
STAN CO DER	X	X	X				X		X		X
STAN CO PUBLIC WORKS	X	X	X				X		X	X	
STAN CO SHERIFF	X	X		X							
STAN CO SUPERVISOR DIST #5: DEMARTINI	X	X		X							
STAN COUNTY COUNSEL	X	X		X							
STANCOG	X	X		X							
STANISLAUS FIRE PREVENTION BUREAU	X	X		X							
STANISLAUS LAFCO	X	X		X							
TELEPHONE COMPANY: AT&T	X	X		X							
TRIBAL CONTACT: TORRES MARTINEZ DESERT CHUILLA INDIANS	X	X		X							
US MILITARY (5 AGENCIES)	X	X		X							